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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/331,729	08/26/1999	FRANK OSAN	514425-3732	2014
23416	7590	07/20/2004	EXAMINER	
CONNOLLY BOVE LODGE & HUTZ, LLP P O BOX 2207 WILMINGTON, DE 19899			DOTE, JANIS L	
			ART UNIT	PAPER NUMBER
			1756	

DATE MAILED: 07/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/331,729

Applicant(s)

OSAN ET AL.

Examiner

Janis L. Dote

Art Unit

1756

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 6 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 14 June 2004. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☒ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see attached, paragraph 1.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached, paragraph 2.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 48 and 53.

Claim(s) objected to: _____.

Claim(s) rejected: 35, 36, 38, 39, 41-47, 49-52, 55, 56, and 58.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

10. ☐ Other: _____

Janis L. Dote
JANIS L. DOTE
PRIMARY EXAMINER
GROUP 1500

1700

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1. The paragraph proposed to be inserted in the specification at page 4, before the last line, filed in the amendment filed after the filing of a notice of appeal on Jun. 28, 2004 (Amdt062804), describing the conditions set forth in the German Standard DIN 53461-B (January 1987) for determining the values of the heat-distortion temperature (HDT), raises new considerations because the subject matter presented in the paragraph was not previously present in the specification. The proposed paragraph also raises the issue of new matter for the reasons discussed in the advisory action mailed on Jun. 14, 2004, paragraph 1, which are incorporated herein by reference.
2. The examiner's refusal to enter the amendment filed after the filing of the notice of appeal on Jun. 28, 2004 (Amdt062804), renders moot applicants' arguments regarding said amendment. Accordingly, the objections to the specification, the rejections of claims 35, 36, 38, 39, 41-47, 49-52, 55, 56, and 58 under 35 USC 112, second and first paragraphs, the objection to claim 47, and the rejection of claims 50-52 under 35 USC 102(a) over WO 97/05529, set forth in the final rejection mailed on Feb. 9, 2004, paragraphs 3, 7, 9, 10, and 13, respectively, stand.

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Applicants are reminded that the rejections under the judicially created doctrine of obviousness-type double patenting over the claims in US Patent No. 6,210,852 B1 (Nakamura'852), and over claims in copending US Application No. 09/000,330 in view of Diamond, Handbook of Imaging Materials, p. 170, and US 5,707,772 (Akimoto), set forth in the Final rejection mailed on Feb. 9, 2004 (CTFR020904), paragraphs 15 and 16, respectively, were withdrawn in the advisory action mailed on Jun. 14, 2004, paragraph 2.